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# QUARTERLY REPORT

APRIL 2015 – JUNE 2015

## USAID'S JUSTICE PROJECT IN BOSNIA AND HERZEGOVINA



July 31, 2015

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## USAID'S JUSTICE PROJECT IN BOSNIA AND HERZEGOVINA

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## LIST OF ACRONYMS

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AGP	Advisory Group for Policy
APIK	Agency for the Prevention of Corruption and Coordination of the Fight against Corruption
BiH	Bosnia and Herzegovina
CEECM	Courts Enforcement Efficiency Capacity Matrix
COP	Chief of Party
DAET	Diagnostic Assessment Enforcement Team
DNA	National Anti-Corruption Directorate of the Republic of Romania
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
HJPC	High Judicial and Prosecutorial Council
JP	USAID's Justice Project in Bosnia and Herzegovina
JPTC	Judicial and Prosecutorial Training Center
M&E	Monitoring and Evaluation
MOU	Memorandum of Understanding
NCSC	National Center for State Courts
NGO	Non-Governmental Organization
ODC	Office of Disciplinary Counsel
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
PGI	Prosecutor-Guided Investigations
PIRS	Performance Indicator Reference Sheet
PO	Prosecutor Office
POAP	Prosecutor Office Assistance Plan
POCM	Prosecutor Office Capacity Matrix
PPP	Prosecutor Partnership Program
RS	Republic of Srpska
SDC	Swiss Agency for Development and Cooperation
SOW	Scope of Work
SPO	Special Prosecutor Office
USAID	United States Agency for International Development
USKOK	Croatian Bureau for Combating Corruption and Organized Crime

## ABOUT THE PROJECT

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**USAID's Justice Project in Bosnia and Herzegovina** (the JP or the Project) is a five-year rule of law initiative running from October 2014 until October 2019. Its purpose is to help justice sector institutions in Bosnia and Herzegovina (BiH) effectively combat government corruption and prosecute economic, organized, and other serious crime cases. At the same time, the Project helps increase public confidence in the judiciary by strengthening its integrity and ensuring greater self-accountability and transparency within the justice sector. The Project also aims to improve the capacity of BiH courts to enforce final court judgments, an essential element of a comprehensive fight against corruption as well as a means of protecting creditor rights and creating a safer business environment.

The Project is internally divided into the following three components:

- Component 1: strengthening the professional status and performance of prosecutor offices (POs) in BiH by, among other things, implementing a prosecutor partnership program (PPP) with 19 POs in BiH
- Component 2: improving efficiency in the process of the enforcement of final court judgments in civil proceedings by reviewing the existing legislative framework, proposing system improvements, and piloting enforcement procedure best practices in courts throughout BiH
- Component 3: strengthening BiH justice sector institutions' ability to uphold public integrity and combat corruption by supporting mechanisms of self-accountability within the judiciary and thereby further reinforcing its independence

In implementing the project activities, the Project works in partnership with key actors and stakeholders in the justice systems in BiH. These partners include primarily the High Judicial and Prosecutorial Council (HJPC) of BiH, partner courts and POs, ministries of justice, professional associations in the judiciary, civil society, and other donors.

Specific activities the Project aims to conduct with local partners include in-depth diagnostic assessments in key issues related to the Project's scope of work, individual assistance and partnership programs with each of the POs, working with the Office of the Disciplinary Counsel (ODC) on ethical standards and integrity, improving enforcement procedures in courts around the country by setting up consensus-building forums, and identifying best practices in courts and POs, to name just a few.

The Project team is composed of national legal experts with in-depth knowledge of the BiH judiciary and the matters that the Project aims to address. In addition, the Project has a wide range of international and national experts available to draw on in various fields depending on the specific needs of its local partners and the Project itself.

## EXECUTIVE SUMMARY

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As part of the international community's effort to assist the government of Bosnia and Herzegovina (BiH) to build the capacity of the justice sector to fight corruption, the US Agency for International Development (USAID) launched a five-year initiative, the Justice Project in BiH (JP). The JP's objectives are to enhance: 1) prosecutors' status and performance, 2) the enforcement of court decisions, 3) the integrity of the justice sector as being worthy of public trust, and 4) the capability of courts and prosecutor offices (POs) to prosecute and enforce the law against corrupt officials.

This quarterly report is for the period **April 2015 – June 2015** and was prepared by USAID's Justice Project in BiH. The JP continues to provide assistance to local partners and stakeholders in the judiciary aimed at increasing their efficiency and effectiveness in combating corruption, addressing ethical issues and integrity in the judicial chain, and increasing the efficiency of enforcement procedures in BiH courts.

Building upon and continuing the activities from Quarter 1 and Quarter 2, the JP provided direct technical assistance to local partners in line with its Year 1 Workplan and other relevant documents such as the Prosecutor Partnership Programs (PPP) and customized Prosecutor Office Assistance Plan (POAP). The support was delivered by engaging experts in the fields of criminal investigations, financial investigations, organizational management, communications, work with law enforcement agencies, ethical standards and integrity, training needs assessments, disciplinary procedures, and enforcement procedures.

In one of the achievements that marked this quarter, the Project facilitated the signing of a trilateral Memorandum of Understanding (MOU) between the High Judicial and Prosecutorial Council (HJPC), the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK), and the Project on matters related to the Project's activities and cooperation in combating corruption. Project staff prepared the text of the MOU that was signed by representatives of the three parties including USAID BiH Mission Director David Barth.

During the reported period, the JP commenced work on two diagnostic assessments, one dealing with potential sources of corruption in the judicial chain and one with improving the efficiency of enforcement procedures. When completed, these studies will serve as a basis for activities in subsequent years. During the reported period, the Project hired expert teams, developed methodology for the creation of the Diagnostic Assessments, and began gathering inputs and data toward their completion. The work on these DAs is underway and progressing well.

Furthermore, Project staff travelled extensively around BiH surveying partner POs with regard to organizational transparency and public outreach. The data gathered from these surveys will be used to produce final recommendations and action plans to address organizational management issues.

The JP was successful in establishing critical partnerships with regional counterparts who lead the fight against corruption in their native countries, most notably Croatia's Office for Prevention and Fight against Organized Crime (USKOK) and the National Anti-Corruption Directorate of the Republic of Romania (DNA). Both of these institutions have been recognized by the European Union (EU) for their results in fighting corruption. The JP was able to organize two one-day

interactive workshops featuring representatives of both the USKOK and the DNA and working with 25 national prosecutors on issues related to the fight against corruption.

After the first conference in Sarajevo, a second conference on improving efficiency in the enforcement procedures was organized by the JP, this time in Banja Luka. This event helped establish the Project's approach to enforcement as credible, innovative, and comprehensive, which earned it crucial support and buy-in from key national partners and stakeholders.

The Project hosted a conference in April aimed at training POs in communications and public relations. During this conference, the JP received information that the POs wished to organize an association to promote their education and interests. In May, the JP organized an assembly aimed at creating the new Association of Spokespersons in BiH.

In terms of monitoring and evaluation (M&E), during the reported period a modified version of the M&E Plan was developed. It contains 25 performance indicators. Five of these performance indicators are also USAID BiH indicators. Along with the development of JP M&E Plan, the new JP Logframe was developed that aligns with the USAID Mission Logframe. Targets for each year (2015–2019) were set up for each performance indicator and for categories of data disaggregation as required by USAID MEASURE BiH. Significantly more comprehensive Performance Indicators Reference Sheets (PIRSs) were developed for each performance indicator containing more detailed information as required by USAID MEASURE BiH (e.g. Calculation Model).

Overall, the Project has gained considerable ground over the reporting period in terms of planned and special activities for Year I. It continues to work closely with key national partners, building new relationships that have the potential to strengthen and secure the sustainability of the Project's activities. Activities are on track and there are no red flags to be reported at this time.

## **SIGNIFICANT EVENTS OF THE QUARTER**

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### **COMPONENT 1: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS**

- On April 2, 2015, at a meeting held in Zagreb, the JP and USKOK established a long term partnership to exchange expert knowledge between USKOK and partner POs.
- On May 7, 2015, four POAPs were agreed on between the JP and partner POs (District POs in Istočno Sarajevo and Dobož and Cantonal POs in Zenica and Tuzla).
- On June 8, 2015, the JP organized a workshop aimed at strengthening the role of spokespersons in all POs and, on June 9 training was provided on improving relations between the media and POs.
- In cooperation with USKOK and the DNA, two interactive workshops were organized on June 18 and June 19 in Zenica and Tuzla with prosecutors from partner POs.
- On June 24, 2015, the JP organized and held an orientation presentation for members of the HJPC Standing Committee on the Efficiency of Prosecutor Offices (Standing Committee) and partner POs describing the activities of the JP and plans for coordination.

### **COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS**

- In June 2015, enforcement experts teamed up and started their in-country assignment working on the "Diagnostic Assessment Document on the Enforcement Regime of Civil Claims in Bosnia and Herzegovina," the first draft of which was completed and submitted to USAID on 21 July 2015.
- On May 26, 2015 a second regional roundtable on options for improvements in the enforcement of civil judgments was held in Banja Luka with the participation of judges, court bailiffs, investors, and other legal professionals.

### **COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION**

- On June 18, USAID BiH Mission Director David Barth signed a trilateral MOU with the HJPC and APIK for cooperation in combating corruption through JP activities.
- With technical assistance from the JP, the ODC conducted a survey of judges and prosecutors to gauge their perception on the fairness and impartiality of disciplinary proceedings.
- The JP judicial trainings expert drafted a long term specialized training program for judges and prosecutors to deal with the prosecution and adjudication of corruption, economic, and organized crime cases.
- The JP, together with a team of outside experts, commenced work on the Diagnostic Study on Potential Sources of Corruption in the Justice Chain.



## SECTION I – ACTIVITIES AND RESULTS

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### COMPONENT I: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS

#### Introduction

In Quarter 3, Component I, which focused on the implementation of individual POAPs, signed agreements with all four partner POs. Activities planned in the POAPs include support and assistance to partner POs regarding the work of prosecutors on cases of corruption and economic crime, management practices, and transparency and public relations. As part of implementing POAPs, JP experts for criminal and financial investigations completed assessments of PO management and organizational and investigative capacity to efficiently prosecute criminal cases in East Sarajevo and Tuzla and initiated similar assessments in Doboje and Zenica.

One of the major successes of Component I in this reporting period was the establishment of long term cooperation agreements with special prosecutor offices (SPOs) from Croatia (USKOK) and Romania (DNA) to ensure the exchange of expertise between the JP's partner POs and these institutions on a continuous basis. This cooperation will focus on investigating and prosecuting cases of organized crime, economic crime, and corruption. As a first step, two interactive workshops were organized by Component I in partner POs on planning and conducting criminal and financial investigations in cases of economic crime and corruption POAPs, with prosecutors from USKOK and DNA visiting and participating in the exchange.

Efforts to enhance the transparency and public relations capacity of the POs were intensified in the reporting period through organizing a workshop and training for spokespersons in POs. The workshop was aimed at strengthening the role of spokespersons in POs across BiH by assisting them in forming a Professional Association of Spokespersons in POs. In addition, a training on the dissemination of information by POs (with a particular focus on high profile cases of corruption, economic, and organized crime) and improving relations with the media was held in Sarajevo, with the participation of representatives from 19 POs.

The JP also focused on coordinating its efforts with relevant counterparts. For that purpose, an Orientation Presentation was held for members of the HJPC Standing Committee and the Chief Prosecutors of the partner POs. The presentation served to provide information on the results of the JP's activities aimed at strengthening the organizational leadership, planning, and performance of prosecutors and ensuring proper coordination with the HJPC and its respective bodies and projects.

#### Activity 1.1.1 – Soliciting Input from Key Counterparts on the Development of the Prosecutor Partnership Program (PPP) (Quarters 1 and 2)

The JP completed this Activity in Quarter 2 and reported on it in the Second Quarterly Report dated April 30, 2015.

### **Activity 1.1.2 – Establish PPP Coordination Mechanism with the Strategic Body (established in Quarter 2 and subsequent meetings on a quarterly basis)**

The JP completed this Activity in Quarter 2 and continued with regular meetings with the former HJPC Strategic Body, now the Standing Committee on the Efficiency of Prosecutor Offices (Standing Committee), as foreseen in the Year 1 Work Plan. The last meeting with the Standing Committee was held in June along with the Orientation Presentation, and the next will be organized in September 2015.

### **Activity 1.1.3 – Working Session on Initial Partner Prosecutor Selection Process (Quarter 2)**

This Activity was implemented in Quarter 2 and reported on in the Second Quarterly Report.

### **Activity 1.1.4 – Develop the PPP and Prosecutor Office Assistance Plan (POAP) (end of Quarter 2)**

On May 7, 2015, individual POAPs were submitted to the four partner POs, District POs in Istočno Sarajevo and Dobo, and Cantonal POs in Zenica and Tuzla. PPP agreements were signed with each of these offices in February 2015. All partner POs unilaterally accepted POAPs in the proposed texts, without any comments and amendments, as all needs were correctly identified and addressed. The POAPs were prepared based on the previously conducted *Needs Assessment of Partner Prosecutor Offices*. The proposed activities of support and assistance to partner POs were structured around the three main areas identified under the PPPs: supporting the work of line prosecutors on cases of corruption and economic crime, strengthening management practices within POs, and enhancing transparency and public relations of the POs. A total of 21 support activities with identified deadlines and modalities for the delivery of assistance were agreed on.

<b>Supporting prosecutors' work on cases of corruption and economic crime</b>	<b>Support for strengthening the management practices within the POs</b>	<b>Enhancing the transparency and public relations of the POs</b>
Assistance in determining the investigative and capacity needs of the POs for work on criminal cases	Support the process of developing and proposing PO budgets	Strengthening the professional role of spokespersons and PR staff through the establishment of their Professional Association
Assistance in establishing mechanisms for categorizing complex cases of corruption and economic crime cases	Analysis of time spent outside the PO headquarters	Assessing the POs' capacity in public relations and developing recommendations and support for their implementation
Assistance in the implementation of the HJPC list for categorizing cases of corruption	Support the development of education and training plans in the POs	Assistance in implementing HJPC indicators for monitoring POs' work in the area of public relations
Assistance in developing tools/guidelines for planning, prioritizing and managing investigation	Assistance in the monitoring of performance of POs through the development of standards and relevant indicators	Support for the better application of the Freedom of Information Act and enhancing the FIA register in the POs

Supporting prosecutors' work on cases of corruption and economic crime	Support for strengthening the management practices within the POs	Enhancing the transparency and public relations of the POs
Defining harmonized methodologies for assessing the material gain/damage caused by criminal offences of corruption/economic/organized crime	Conducting a preliminary analysis of costs for financial expert witnesses and the use of expert witnesses by partner POs	Specialized training in the areas of public relations and transparency
Identifying types of evidentiary means and assistance in developing financial investigation plans	Assistance in developing methods to better evaluate work on complex cases of corruption and economic crime	Assistance in strengthening the transparency of the POs through more pro-active public information activities
Targeted, specialized training on topics identified by partner POs		Exchange of best practices in the area of public relations
Identification and exchange of best practices		

Table I. Areas of assistance under POAPs

It is important to emphasize that some of the POAP activities, most notably assistance on determining the investigative and capacity needs of POs for working on individual cases, were already initiated prior to the formal development and submission of the POAPs, as reported in the Second Quarterly Report.

### Activity 1.1.5 – Orientation Presentation (end of Quarter 2, early Quarter 3)

In Quarter 3, the JP delivered an Orientation Presentation to the HJPC Standing Committee and Chief Prosecutors of partner POs. Representatives of the Swiss Agency for Development and Cooperation (SDC) funded project within the HJPC on strengthening POs were also present at the meeting.



Figure I. Orientation Presentation for members of HJPC Standing Committee on the efficiency of POs

The Orientation Presentation, initially planned for the beginning of Quarter 3, was held on June 24 due to the busy schedule of members of the Standing Committee. Given this additional time, the JP was able to deliver a more comprehensive overview of its activities to the Standing Committee. The primary focus of the presentation was to inform the participants about the results of the JP activities undertaken in partner POs. In the period from February to the end of June 2015, the JP was able to assist the partner POs in the development of their individual POAPs and

subsequent implementation. The POAP activities are focused on strengthening the organizational

leadership, planning, and performance of prosecutors in order to improve prosecutorial work on cases of corruption and economic crime, enhance management practices, and increase the transparency of POs and improve their public relations.

The presentation to the Standing Committee also included a description of the assistance being given to the POs by JP experts on criminal and financial investigations.<sup>1</sup> This type of assistance was completed in two of the four partner POs: the District PO in East Sarajevo and the Cantonal PO in Tuzla. It proved to be a very valuable method for chief prosecutors and line prosecutors to better utilize the available investigative resources in conducting effective investigations and prosecuting complex cases of economic crime and corruption.



Figure 2. Orientation Presentation for members of HJPC Standing Committee on the efficiency of POs

Planned Year I Project activities were also presented and discussed with the HJPC Standing Committee. It was announced that the JP would continue to provide support to the partner POs after Year I and would continue to make proposals to the Standing Committee/HJPC for policy-level changes as a result of their work with POs.

Members of the Standing Committee expressed their overall support for the activities of the JP in the area of strengthening the capacity of partner POs. They emphasized the positive feedback that they have been receiving from prosecutors working with the JP and the impact that this collaboration is having on their day-to-day work on cases. Representatives of the SDC Project said that the findings of the JP in terms of training needs for prosecutors will be key in the development of a long term training plan that will be proposed by the HJPC to the Judicial and Prosecutorial Training Centers (JPTCs).

### **Activity 1.1.6 – Implement PPP in an Initial Group of Prosecutor Offices (beginning in Quarter 3)**

In Quarter 2 the JP engaged a Prosecution Criminal Investigation Expert and a Financial Investigation Expert to provide assistance to two partner POs in the initial phase of implementation of the POAPs. Their tasks included providing advice and guidance to line prosecutors in the investigation and prosecution of economic crime and corruption cases. In Quarter 3, these experts completed assessments of PO management practices and the POs' organizational and investigative capacity to efficiently prosecute criminal cases in East Sarajevo and Tuzla. The experts also held regular consultations with line prosecutors and provided advice to improve planning in criminal and financial investigations and innovative methods for collecting evidence in cases.

<sup>1</sup> Activities of the Project experts for criminal and financial investigations will be further elaborated under Activity 1.1.6.

Following their work in the POs in East Sarajevo and Tuzla, the experts also prepared a comprehensive analysis of prosecutorial work on criminal cases of economic crime and corruption and developed specific recommendations. Some of these recommendations included improving coordination and communication with law enforcement agencies in cases of economic crime and corruption in order to improve the quality of criminal reports filed by police, financial police and tax administration, and to ensure that prosecutors' orders for conducting investigative actions are fully enforced. To increase efficiency in investigations and support investigative work on criminal cases of economic crime and corruption, it was recommended that additional positions of expert legal associates, investigators, and economists should be systematized and filled by the POs. Specialized trainings should be regularly organized for prosecutors and expert associates to improve their knowledge and develop the requisite skills needed for conducting complex investigations in cases of economic crime and corruption. The experts highlighted the need for the specialization of prosecutors in areas of privatization, concessions, tax and banking regulations, forensic accounting, financial investigations, and planning of investigations in serious cases. They also recommended that some of the best practices identified in the partner POs be shared with other POs, such as the practice of the PO in Tuzla to hold weekly collegiums of prosecutors working on cases of economic crime and corruption, during which prosecutors present their cases to the chief prosecutor, the deputy chief prosecutor, and line prosecutors and jointly discuss how some of the issues identified in investigations could be resolved.

The expertise of the JP consultants and their advisory role was readily accepted by the prosecutors in partner POs as very beneficial to their casework. Accordingly, chief prosecutors of the POs in East Sarajevo and Tuzla expressed their interest in continuing to receive this support when and if needed. The experts' reports are being translated into English at the time of the writing of this report.

In Quarter 3, the same experts initiated assessments of two other partner POs: the District PO in Doboj and the Cantonal PO in Zenica. The experts will also continue to provide advice and on-the-job mentoring to chief prosecutors and line prosecutors in the POs in Tuzla and East Sarajevo, based on specific requests from these POs.

On April 2, 2015, JP staff and the USAID Mission representative, together with Chief Prosecutors of the Federation of Bosnia and Herzegovina (FBiH) and the SPO of the Republic of Srpska (RS), met with the State Attorney's Office of the Republic of Croatia, the Chief Prosecutor of the Republic of Croatia, Mr. Dinko Cvitan and his team in Zagreb. At the meeting, the JP and USKOK established an agreement to cooperate. This agreement is aimed at exchanging expertise in investigating and prosecuting cases of organized crime, economic crime, and corruption. Cooperation in educating the newly appointed prosecutors in the Special Department of the Federal Prosecutor Office will also be part of the agreed cooperation. The Chief Prosecutor of the State Attorney's Office nominated one of the Deputy Heads of USKOK as the official point of contact for cooperation and coordination with the Project.

The JP also submitted a letter to the DNA proposing cooperation with the JP in delivering specialized trainings to prosecutors in the investigation and prosecution of corruption cases. The Chief Prosecutor of the DNA accepted this proposal and committed to fully cooperate with the Project in implementing this initiative. By establishing working relations with USKOK and the DNA, the JP has ensured that POs have access to the best technical assistance and expertise for trainings of local prosecutors.



The JP's decision to engage USKOK and the DNA to provide training for line prosecutors was based upon the success these institutions have had combating corruption in Romania and Croatia. Their achievements have been recognized by the EU and noted in the Anti-Corruption Report of the European Commission from 2014.



Figure 3. One of two interactive workshops delivered to BiH prosecutors by experts from USKOK and DNA, Zenica, June 18, 2015

Cooperation with USKOK and the DNA was initiated in this quarter with the engagement of two Croatian prosecutors and one Romanian prosecutor who delivered interactive workshops to prosecutors from all four partner POs on June 18 in Zenica and June 19 in Tuzla. In total, the workshops were attended by two chief prosecutors and 23 line prosecutors who work on cases of economic crime and corruption. The main objective of the workshops was to improve the planning and

execution of criminal and financial investigations in cases of economic crime and corruption with an emphasis on cooperation and coordination among the different law enforcement agencies. Participants unanimously agreed that there was a pressing need for conducting this type of training since only well informed and skilled prosecutors can successfully face the challenges of combating organized crime and corruption in BiH. This engagement of experts for training in prosecutor-guided investigations (PGI) is in support of the Activities 1.1.6, 1.3.1, and 1.3.2 of the Year 1 Work Plan. Further information on the work of these experts and the outcome of the workshops will be provided under Activities 1.3.1 and 1.3.2 of this Quarterly Report.

#### **Activity 1.1.7 – Design and Implement Outreach Activities Directed at All Prosecutor Offices in BiH (Quarter 4)**

In Quarter 3, the Chief of Party (COP) and the Component I leader continued to conduct outreach visits to POs throughout BiH including in the District PO in Trebinje, the Cantonal PO in Mostar, and the Cantonal PO in Široki Brijeg. The purpose of the visits was to introduce the JP to Chief Prosecutors, gather information on their work, and conduct consultations. The basic outline and elements of the Project were presented along with the idea behind the PPP. The POs were informed that the JP planned to enter into PPPs with all POs in BiH by the end of the Project. The POs have expressed interest in participating in the second year of PPP/POAP implementation. They identified several major constraints to their effectiveness, such as the lack of adequate resources, especially with regard to paying for expert witnesses. The POs also emphasized the lack of personnel trained to investigate corruption (e.g., legal associates, economic expert advisors, and financial investigators). The Cantonal PO in Mostar does not have a spokesperson or any staff performing public relations functions, which considering the size of this PO (22 prosecutors) is a significant concern for the Chief Prosecutor. In meetings, support was sought from the JP in communicating the resource needs of the POs to the executive branch of the Cantonal

Government — more specifically to the Prime Minister, the Minister of Justice, and the Minister of Finance — either by letters of support or official meetings. Another major problem for all POs is expenses incurred by working on cases at distant locations outside of the seat of the PO before different Municipal Courts. It was also noted that working on Joint Investigative Teams is not a common practice in these POs and that assistance and training were desired in that area. Organizing educational trainings with the Croatian USKOK to exchange knowledge and expertise was welcomed by all the POs visited by the JP.

As part of its outreach activities, the JP gave a presentation on the Project at a meeting of the spokespersons of all POs organized by the SDC Project in Mostar on April 21–22. At the meeting the JP emphasized the efforts it has made to improve public information and transparency in POs.

In addition to these activities, the Year 1 Work Plan provides for a roundtable to be organized by the JP with all 19 POs, the HJPC, and other key justice sector actors to discuss key concerns and challenges facing POs. In order to be able to identify these concerns and challenges through the PPP, the JP planned this roundtable towards the end of Year 1. However, the JP has decided that this presentation and discussion with key stakeholders would be more effective if it took place on September 30 a few days into Year 2 of the Project. The reason for this slight change in dates is that the FBiH Association of Prosecutors is organizing a regular annual session of all prosecutors in BiH on September 30 and October 1 and is inviting the JP to actively take part on the first day of the session. The JP considers it more efficient and appropriate to use this regular gathering of all prosecutors to present its work, findings, and identified challenges rather than to organize a separate session in the same period inviting the identical judicial actors.

### **Activity 1.2.1 – Assessment of Workflow and Business Processes in Prosecutor Offices (Quarter 3)**

The *Needs Assessment of Partner Prosecutor Offices* completed under Activity 1.1.1 in Quarter 2 determined that the excessive time lost traveling to courts outside their jurisdictions by cantonal and district prosecutors undercut the efficiency of these prosecutors and the POs. Detailed information on this issue was provided in the Second Quarterly Report. Based on this assessment, the JP collaborated with POs to find an effective solution to the problem and prepared a draft methodology in consultation with SDC Project during Quarter 2.

Subsequently, during Quarter 3, the JP was informed that beginning in July the SDC Project would engage an expert to prepare an analysis of resources and time spent by prosecutors in court hearings outside the seats of POs based on the methodology agreed upon between the JP and the SDC. The goal of this analysis is to inform the HJPC about the cost effectiveness of cantonal prosecutors so that the HJPC may consider reforming the current set up. The JP will assist the SDC in developing the analysis through consultations with the partner POs, and the JP will also help identify operational measures that can be taken by the individual POs within the existing policy and legislative framework.

On June 22, 2015, the HJPC submitted information regarding the number and type of hearings held by the partner POs in the Municipal Courts to the JP. Analysis of this information will give an initial approximation of the time spent by prosecutors outside the headquarters of the PO. It is hoped that the analysis to be conducted in Quarter 4 will help identify the most cost-effective means for improving the efficiency of prosecutors.

In Quarter 3, Component 1 initiated an assessment of the business workflow in partner POs that will include an examination of the functionality of the prosecutor case management system (TCMS). This assessment will take into consideration the Statistical Crime Data Expert's opinion (Component 3 activities), which will be available by the end of July.

#### **Activity 1.2.2 – Strengthening Strategic, Organizational Performance, and Financial Management Practices in Prosecutor Offices (Quarter 4)**

Under the individual POAPs, assistance was provided in developing preliminary budget proposals for the POs based on their identified specific needs. Consultative meetings were held with the budget staff of the partner POs to assess current needs in the preparatory phase of annual budgets, respecting the legislative calendar and framework. Per the specific request of the PO in Zenica, the JP provided additional historical and performance information to support the explanatory part of their budget proposals. The aim of this additional data is to strengthen the PO's argument for a larger budget when they are sent to the executive body, the Cantonal Ministry of Justice and Finance. The JP also initiated drafting of a discussion paper aimed at assessing the existing PO budgetary processes and legal framework, which will help POs identify areas and other options by which their budgets could be more systemically enhanced.

#### **Activity 1.2.3 – Workshop (Quarter 4)**

Implementation of this activity is planned for Quarter 4.

#### **Activity 1.3.1 – Development of a Prosecutor-Guided Investigation (PGI) Training Manual (Quarters 2 – 4)**

In the Second Quarterly Report it was reported that the JP was developing Scopes of Work (SOWs) for the National and International PGI Experts who will assist in the implementation of Activities 1.3.1 and 1.3.2. A summary of the expert assignments was provided in the Second Quarterly Report.

In Quarter 3, the JP approved the SOWs for several PGI Experts. The National PGI Expert started the work of drafting standardized criminal and financial investigation plans and manuals for partner POs, which will be presented during the consultation process with prosecutors and expert associates assigned to work on criminal investigations in economic crime and corruption cases in the partner POs. This expert is also tasked with developing a strategy paper for engaging law enforcement in forming joint prosecutor-police investigation teams for economic crime and corruption cases (see more information under Activity 1.3.2). Due to the fact that the majority of prosecutors will be on summer holidays in the period July–August, consultations with prosecutors and expert staff are planned for mid-September.

It is expected that a qualified candidate for the position of the International PGI will also be identified and engaged to join the National PGI Expert in September and deliver trainings on standardized investigation plans, cooperation with law enforcement agencies, forming of joint investigative teams, and developing strategies for prosecuting cases of economic crime and corruption.

The JP also prepared a SOW for another International PGI Expert for Presentation of Prosecution Case to develop a training program on presenting criminal cases in court for partner POs. A candidate was selected and engaged in Quarter 3. In June 2015, this expert completed the



assignment and delivered the training outline and materials to the chief prosecutors, line prosecutors, and expert associates in the partner POs. This second training, which will be delivered in September, is aimed at improving and developing PO capacity to manage, present, and appeal cases in trials in economic crime and corruption cases, including high profile corruption cases, as part of effective PGIs.

Finally, as described in Activity 1.1.6, three prosecutors were also engaged as PGI Experts to prepare and deliver two one-day interactive workshops to partner POs on planning and conducting criminal and financial investigation in cases of organized crime and corruption. These experts prepared presentations which were delivered during the workshops in Zenica and Tuzla. The presentations included a brief overview USKOK and the DNA, their establishment, competence, and organization, institutional cooperation, and achieved results. The experts presented several cases from their practice that involved features of organized crime, fraud, and corruption in public procurement committed by high profile individuals, and corruption in soccer games. The experts presented an investigation in the corruption case "FIMI MEDIA" involving the former Croatian prime minister and presidents of the supervisory boards of public companies in Croatia. In order to effectively prosecute these cases, USKOK and the DNA needed to plan and conduct complex financial and criminal investigations in close coordination and cooperation with different law enforcement agencies, including the application of a variety of special investigative actions, requisition of material gain, and international legal assistance. After the presentations, local prosecutors were given an opportunity to present and discuss issues they face when working on corruption cases, while their international colleagues were able to provide very informed and relevant feedback and guidance that will be beneficial to the work of partner POs.

#### **Activity 1.3.2 – Formation of Joint Investigative Teams for the Prosecution of Corruption Cases (Quarter 4)**

Component 1 completed the assessment of the use of existing training modules, manuals, and practices for PGIs in the partner POs in Quarter 3. This assessment included recommendations on how to improve the use of PGI training manuals and best practices in PGIs. Detailed information on the scope of review was provided in the Second Quarterly Report.

On the basis of this assessment, the JP prepared the SOW for engaging the National PGI Expert with the assignment to develop a strategy paper for engaging law enforcement in forming joint prosecutor-police investigation teams for economic crime and corruption cases, taking into consideration the eligibility of such crimes to be dealt with by joint teams. This expert was engaged and started to develop the strategy paper in Quarter 3. The SOW provided for a strategy paper that would produce guidelines for the selection of cases eligible for joint prosecutor/police investigative teams and recommendations for a set of management and organizational measures for improved coordination and cooperation with law enforcement agencies in conducting investigations and prosecutions of economic crime and corruption. Once developed, this strategy paper, together with its guidelines and recommendations, will be presented to partner POs in September for comment and revision.

#### **Activity 1.4.1 – Assessment of PPP Prosecutor Office Public Information Procedures and Practices (Quarters 2 – 3)**

The *Needs Assessment of Partner Prosecutor Offices* completed under Activity 1.1.1 in Quarter 2 included a detailed assessment of different POs public information procedures and practices. Given

the advanced stage of project activities, the already initiated implementation of the POAPs, and the in-depth *Needs Assessment* already carried out by the JP, it was determined that an external expert was not needed at this stage. It was therefore deemed more beneficial to engage an expert to provide assistance in one of the specific areas identified in the JP's assessment, such as improving relations with the media, as reported in Quarter 2 (see more under Activity 1.4.2). An expert was therefore engaged and was provided with all the findings that the JP had already collected, which enabled the expert to produce useful recommendations to participants of the training.



Figure 4. Opening session of the Founding Assembly for the future Association of spokespersons in POs in BiH, Sarajevo, 8 June 2015

On June 8, in an effort to address another issue identified in the *Needs Assessment* — promoting a more proactive approach to public relations — the JP organized a one-day workshop aimed at strengthening the role of spokespersons in POs across BiH. The workshop led to the formation of the Professional Association of Spokespersons in POs in BiH, registered at

the state level of BiH. This initiative had been discussed for a while, but on April 22 in Mostar spokespersons from the POs officially requested that the JP fund a meeting for the purpose of forming the Association. The JP agreed to this request as it recognized that this was a significant initiative that could help foster close working relationships among POs on improving transparency and public outreach.

Representatives of all but one PO (the PO of BiH) were present at the workshop. The Founding Assembly for the future Association was held during the workshop. The Assembly adopted all necessary acts for registering the Association (Statute, Founding Decision) and elected all bodies of the organization outlined in the Statute of the Association (President, Management, Secretary, Court of Honor). The Association members committed to take the necessary actions for registering the Association with the Ministry of Justice of BiH. In the second part of the workshop, two initial strategic planning sessions were held, with the JP's expert assistance, to define the mission of the Association and map its strategic goals and program objectives for its first year. A framework for the Strategic Plan was subsequently sent to all participants, with a final Strategic Plan to be delivered to the



Figure 5. Strategic planning session during the Founding Assembly, Lucid Linx

Association members during the month of July 2015.

This activity is partially connected to similar activities of the SDC Project within the HJPC that are aimed at promoting greater PO transparency. The future Association will be able to receive available funds within the SDC Project designated for non-governmental organizations (NGOs; associations are also eligible), and it will also be able to apply for other donor funds. The SDC Project's funds for next year will be disbursed in September 2015, and the SDC Project has already invited the Association to apply for funds as soon as it is registered.

Finally, in Quarter 3 the JP developed a list of PO training needs based on both the *Needs Assessment of Partner Prosecutor Offices* and the findings of the SDC Project presented at the conference of spokespersons held in April 2015. The list of training needs will serve as a guide for the JP in prioritizing and selecting types of training and assistance in the field of public relations in the POs.

#### **Activity 1.4.2 – Training Prosecutor Office Staff on Collecting and Disseminating Information on Corruption Cases (Quarter 3)**



Figure 6. Media and PR Training with Boro Kontic of Media Centre, Sarajevo, 9 June 2015

On June 9, the JP delivered a one-day training to all spokespersons/PR officers on the dissemination of information by POs and improving relations with the media. A National Media Expert was engaged by the JP to deliver this training with a particular focus on disseminating information on high profile cases of corruption, economic, and organized crime. The training and subsequent discussions focused on providing answers to questions and training spokespersons on the legal constraints faced by the POs in protecting the interests of investigations. The training also provided

information to PO representatives on how the media operates from a perspective of an experienced journalist and media expert. Training focused on assisting prosecutors to understand how they can best provide information that is timely and useful to citizens, without compromising their cases.

As part of the training, journalists were invited to attend two of the sessions that day in order to engage in a constructive dialogue with prosecutors about mediating the interests of the media to inform the public on the one hand and the POs' role to investigate and prosecute crime on the other, and overall to improve the POs' daily communication with the media. The session with the journalist received high marks from all the participants for being extremely useful. Conclusions and practical guidelines and recommendations were prepared by the Media Expert and sent to all participants after the training.

#### **Activity 1.4.3 – Monitoring and Evaluation (Quarter 4)**

Implementation of this activity is planned for Quarter 4.

#### **Activity 1.4.4 – Developing Public Information Guidelines for Prosecutor Offices (Quarter 4)**

Implementation of this activity is planned for Quarter 4.

#### **Activity 1.5.1 – Assessment of Performance Evaluation in Prosecutor Offices (Quarters 2 – 4)**

In Quarters 2 and 3, the JP collected information relating to the performance appraisal procedures and outcomes that were applied in the partner POs when evaluating the work of prosecutors assigned to cases of economic crime and corruption. This assessment clearly revealed that the work of prosecutors on complex cases was not adequately valued. Chief Prosecutors only assigned a greater weight to complex cases in accordance with the relevant provision of the HJPC *Book of Rules on Orientation Measures for the Work of Prosecutors* in very few instances.

The JP completed an SOW for a Prosecutor Performance Appraisal Expert that was initiated in Quarter 2. Considering the fact that the HJPC, as a supreme judicial and prosecutorial regulatory body, imposed the uniform criteria and performance appraisal procedures that are being applied in individual POs through a number of books of rules, it seemed justified to broaden the basis for the SOW to include both Activities 1.5.1 and 1.5.2. Assessments of individual office practices and criteria, the expert assignment defined in Activity 1.5.1, could not be conducted without first assessing the HJPC's procedures and practices for both the quantitative and qualitative evaluation of prosecutors (Activity 1.5.2 of the Year 1 Work Plan). Furthermore, any recommendation aimed at introducing new criteria for the evaluation of prosecutors is subject to review and adoption by the Standing Committee and the HJPC.

With respect to Activity 1.5.1, the developed SOW specifies that the expert will assess the current practices for evaluating prosecutor performance in complex cases of economic crimes and corruption in the partner POs and their link to office performance standards for prosecutors. Based on deficiencies identified in individual office practices, the expert will, among other tasks, recommend improvements aimed at introducing management and organizational measures by chief prosecutors to determine the complexity of cases and their prioritization, which will be used for the evaluation of prosecutor work and performance in complex cases of economic crime and corruption. Procedures for engaging an appropriate candidate for this assignment will be completed in early Quarter 4.

See more information under Activity 1.5.2 for the relevant part of the SOW.

#### **Activity 1.5.2 – Strengthening the HJPC Appointment and Career Advancement (Quarters 2 – 4)**

As reported under Activity 1.5.1, the JP expanded the SOW for the Performance Appraisal Expert to include an assessment of the HJPC's procedures and practices concerning the quantitative and qualitative performance appraisal of prosecutors. In relation to Activity 1.5.2, the expert will analyze the existing legal framework for evaluation of prosecutor performance in light of the internationally recognized prosecutor performance standards that provide incentive to work on complex cases. The assessment of HJPC procedures and practices for evaluating prosecutors will also include an assessment of the HJPC's revision process for procedures and practices. The expert will use these analyses and identified flaws in the legal framework and individual PO practices to propose recommendations for introducing new criteria for the performance evaluation of line prosecutors in



complex cases of economic crime and corruption in the partner POs. The expert will also propose new criteria for performance evaluations of POs that take into consideration the results achieved in investigating and prosecuting these cases. Recommendations for introducing new qualitative criteria in complex cases will be presented to Chief Prosecutors and the HJPC Standing Committee.

### **Activity 1.5.3 – Roundtable Session**

Implementation of this activity is planned for Quarter 4.

## **COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS**

### **Introduction**

During Quarter 3, Component 2 activities focused on supporting the team of experts working on completing the Diagnostic Assessment Document on the Enforcement Regime of Civil Claims in Bosnia and Herzegovina (the Diagnostic Assessment). The preparatory work included both substance and logistics, sometimes combined, which contributed to the successful completion of the expert team's in-country activities. At the end of in-country activity, the Diagnostic Assessment Enforcement Team (DAET) submitted the Pilot Court Program Standards and Diagnostic Assessment Executive Summary, containing key recommendations that will be included in the final draft of the Diagnostic Assessment. JP staff provided comments and suggested revisions to be incorporated into the final draft.

Component 2 continued the consensus-building activities through the successful organization of the roundtable in Banja Luka dedicated to finding options for improvements in the enforcement system. As in the case of the previous roundtable held in Sarajevo, the participants agreed on a need for substantial changes in the system of enforcement.

Contacts with key stakeholders have been maintained in order to prepare them for the coming meetings with DAET and focused discussions on the best approach to the reform of the current system of enforcement in BiH. All information and proposals from previous fact finding meetings with our stakeholders, as well as research and analytical materials prepared by Component 2 staff, were systematized and forwarded to DAET for their advanced preparation.

### **Activity 2.1.1 – Conduct In-Depth Diagnostic Assessment (Quarters 1 – 3)**

For the reporting period, Component 2 committed to have all experts assigned to the Diagnostic Assessment under contract by the end of Quarter 3 and to have them mobilized and deployed to conduct the Diagnostic Assessment in the courts previously identified in cooperation with HJPC. This activity has been fully completed during this quarter.

In June 2015, Component 2 staff supported the expert team while they conducted the Diagnostic Assessment and compiled their findings and recommendations. These findings and recommendations will define the strategic orientation of the Project in the enforcement of civil judgments, and will also establish the basis for practical activities to be proposed for the Year 2 Work Plan. In more than 20 meetings, experts met with the representatives of relevant courts (the presidents and other representatives of: the Municipal Court in Sarajevo and Zenica; Cantonal Court in Zenica; the Basic Court in Bijeljina, Brčko and Banja Luka; the District Court in Banja

Luka; and the District Commercial Court in Dobož), and also with representatives of the HJPC, Entity Ministries of Justice, banking institutions, utility companies, the Association of Court Bailiffs of Bosnia and Herzegovina, the Agency for the Protection of Personal Data, and the bar associations. They received a number of comments, recommendations, and proposals, as well as examples of good and bad practices. Component 2 facilitated these meetings and participated in some of them. The JP team took an active role in preparing and briefing the experts for productive discussions with stakeholders.

At the end of their in-country assignment, the expert team submitted to the JP the Pilot Court Program and Standards and Training Resource Materials on Professional Capacity of Judges, Legal Associates and Court Bailiffs, and the Diagnostic Assessment Executive Summary, containing key recommendations which will be included into the final draft of the Diagnostic Assessment. The JP Component 2 staff provided comments and feedback in order to draw DAET's attention to some details which needed further elaboration in the final Diagnostic Assessment.

### **Activity 2.1.2 – Conduct Consensus-Building Forums for Stakeholder Discussions (Quarters 1 and 2)**

Component 2 planned to continue with consensus-building forums for stakeholder discussions in Quarter 3 and hold a second roundtable with selected stakeholders to discuss and exchange views and options for improvement of the system for enforcement of judgments. This activity was fully completed in this quarter. On May 26, 2015, Component 2 organized a regional roundtable in Banja Luka, dedicated to options for improvements in the enforcement of civil judgments. More than 40 participants from the wider region of Bosanska Krajina, including representatives of the courts, banking sector, business, bar and notary associations, court bailiffs, and other legal professionals, discussed provisions of the Law on Enforcement Procedure and related legislation, court practice, and actions of parties during enforcement proceedings. Discussions resulted in the identification of common obstacles to the efficient enforcement of judgments and consensus on the necessity of and options for improvements in this area.



Figure 7. Round Table on enforcement procedure, held in Banja Luka, May 26, 2015

Under this activity, the Year 1 Work Plan plans for a conference in Quarter 4 during which the stakeholders will discuss the findings and recommendations presented in the Diagnostic Assessment. The JP anticipates a slight delay in organizing of this conference due to the timing of the finalization of the Diagnostic Assessment and the need for the translation of the material into BCS, which will take considerable time due to the volume of the Assessment and the complexity of the subject matter. The JP is of the opinion that such a serious matter needs to be carefully formulated, therefore the preparing of the conference will take significant effort and time. The JP expects to organize this conference for October 2015.

### **Activity 2.1.3 – Form an Advisory Group for Policy (Quarter 3)**

As agreed with the BiH Ministry of Justice and planned in the Second Quarterly Report, in this quarter JP staff approached local experts to discuss their participation in the development of policy proposals after the Diagnostic Assessment is completed.

The roundtable held in Banja Luka on May 26, 2015, as well as individual meetings between stakeholders and the Component 2 staff and DAET, were used to announce the formation of the Advisory Group for Policy (AGP) and motivate relevant partners to take an active role in analyzing and commenting on the findings and recommendations of the Diagnostic Assessment. Potential members of the AGP were identified and contacted. These include two university professors, two judges and one banking legal expert who all have significant experience in the area of civil procedure law. They agreed in principle to be part of the team, which will, based on the results of the Diagnostic Assessment, develop an advocacy policy proposal which will relate both to Activity 2.1.4 and Activity 3.2. Invitations will be sent to relevant justice sector institutions (State and Entity Ministries of Justice, the Judicial Commission of Brčko District, and the HJPC) to assign their representatives to the AGP.

It has been planned to have the policy paper on a unified legislative framework produced following the conference on the Diagnostic Assessment that will take place at the end of Year 1 or the beginning of Year 2. Due to the delay in completing the Diagnostic Assessment, which led to the postponement of the conference, but also due to the expected set of conclusions of the Diagnostic Assessment, the JP will make all efforts to have this expert advisory group work in parallel with the preparation for the conference, and have the draft policy proposal ready before the conference. The policy proposal will serve as one of the key documents for the discussions at the conference. Due to the date of the conference and the above mentioned delays, the completion of the policy paper will be in the first quarter of Year 2.

### **Activity 2.1.4 – Draft and Deliver Legislative Reforms for the Enforcement of Judgments (End of Quarter 4)**

Implementation of this activity is planned for Quarter 4.

### **Activity 2.2.1 – Analyze Workflow and Propose Streamlined Procedures in Pilot Courts (Quarters 3 and 4)**

As foreseen in the Year 1 Work Plan, DAET paid particular attention to the workflow within the selected courts and identified gaps and obstacles as well as potential solutions. These obstacles and solutions will be the subject of the tailor-made Pilot Court Programs that will aim to make enforcement procedures more effective within the existing legal framework. As elaborated under Activity 2.1.1, through the work on the Diagnostic Assessment and the development of the Pilot Court Standards Document, the expert team analyzed the majority of the legislative and operational aspects of the enforcement of civil judgments and gave its findings and proposals for improvements. Workflow and existing procedures were one of the aspects that received special attention by the expert team. In particular, besides organizational changes, proposals were made for obtaining a better overview and categorization of cases to enable more effective case processing through division into groups in which similar actions need to be taken in multiple cases.

The findings and recommendations of the Diagnostic Assessment will be observed as one of the basic elements for the development and design of the Pilot Court Program in Quarter 4.

### **Activity 2.2.2 – Develop Manual with Improved Procedures for Expediting the Enforcement of Judgments (Quarters 3 and 4)**

Although the Year 1 Work Plan includes analyses of the existing manuals and the development of the new manual to serve as a key tool to test and set the multiyear training program, the enforcement experts concluded that there is no need to develop a new manual as both current ones remain more or less up-to-date and provide sufficient resource for training. Should legislation change, or if testing of best practices in the pilot courts indicates the need for an update, the JP will initiate a participatory process to consolidate and update the manual into a single handbook.

On the basis of the existing manuals, the JP drafted a document, Training Resource Materials on Professional Capacity of Judges, Legal Associates and Court Bailiffs, which analyses current training practices and serves as the basis for the development of multiyear training program.

The Year 1 Work Plan also outlines how to use findings and proposed changes for better M&E for enforcement agents and the introduction of a code of ethics. A framework for better M&E of enforcement agents, as well as for the introduction and testing of the rules of their professional conduct, has been proposed and included in the document “*Pilot Court Program Standards*” that will serve as a basis for development of individual pilot court programs in the Year 2.

### **Activity 2.2.3 – Hold Roundtables in Each Jurisdiction (Quarters 3 and 4)**

In meetings with court staff and in several roundtables, Component 2 staff discussed the training needs for court bailiffs and improvements in the current practices for processing enforcement cases. The second regional roundtable, held in Banja Luka on May 26, 2015, also served this purpose at which time the need for better training of the enforcement agents and improvement in their work organization was recognized. In Quarter 3, the JP also continued its working meetings with representatives of selected courts in each jurisdiction. Component 2 met with the president or representatives of the following courts: the Basic Court in Banja Luka, Mrkonjić Grad, Novi Grad, Prijedor and Prnjavor; the Municipal Court in Bihać; banks and the Chamber of Commerce of RS; and Bar and Notaries Associations of RS. These meetings contributed to ensuring the active participation of these stakeholders in the implementation and evaluation of the pilot court programs and trainings of enforcement agents proposed by the JP.

### **Activity 2.3.1 – Create Working Group to Draft Legislative Framework Changes (Quarter 3)**

During the reporting period, Component 2 initiated meetings with entity-level Ministries of Justice to discuss potential models for the enforcement service in BiH. Subject to agreement with the Ministries of Justice, and in close cooperation with the HJPC, the JP would then identify relevant stakeholders to be included in the Working Group for drafting a legislative framework for the establishment of the licensing body for alternative enforcement agents.

This activity has been partially completed. Component 2 initiated meetings with entity Ministries of Justice as planned, but the meetings dedicated specifically to this topic were not held yet due to government dysfunction at all levels, a matter which is beyond the JP's influence.

However, the JP used other opportunities to gain ministerial support and feedback on this topic. With regard to the RS Ministry of Justice, discussions about this topic were held during the roundtable held in Banja Luka on May 26, 2015, as well as during the meeting of DAET with the RS



Ministry of Justice representative. The FBiH Ministry of Justice affirmed its support of and interest in the Project's activities in two separate meetings. The first was during the initial meeting held with the Minister and his associates, and the second during the meeting between experts working on the Diagnostic Assessment and the Minister and his team. It was concluded that this topic will be discussed in more detail after the FBiH Ministry analyses the materials received (in February 2015) by the HJPC regarding options for reforming the enforcement system, as well as after receiving and analyzing the recommendations of the Diagnostic Assessment.

Nevertheless, for the purposes of successful implementation of this activity and as allowed by the Year 1 Work Plan, activities of this working group will be merged with the activities of the AGP, which will officially be formed and commence its work in Quarter 4. As explained, representatives of state and entity-level Ministries of Justice, the Judicial Commission of Brčko District, and the HJPC will be invited to participate in the AGP to develop policy proposals both for improvements of a broader legal framework for enforcement and for potential models for a licensing body for the alternative enforcement agents.

As for the timing for completion of this activity, see the explanation under Activity 2.1.3.

#### **Activity 2.3.2 – Working Group Develops a Model for Licensing Body for Enforcement Agents (End of Quarter 4)**

Implementation of this activity is planned for Quarter 4. This activity will be merged with Activity 2.1.3, as foreseen in the Component 2 section of the Year 1 Work Plan and agreed upon with USAID respectively.

#### **Activity 2.4.1 – Conduct Diagnostic Assessment (Examine FBiH and RS Statutory Framework) (Quarters 1 and 4)**

This Activity was fully achieved by Component 2 during Quarter 2. During Quarter 3, the Analyses of FBiH and RS Statutory Framework for the identification, securing, control, and liquidation of assets was forwarded to the Diagnostic Assessment Expert Team. This analysis has been shared with DEAT in preparation for their work, and its findings will be included in Diagnostic Assessment.

#### **Activity 2.4.2 – Develop Policies and Practices within the Existing Legal Framework (Quarters 3 and 4)**

For the reporting period, Component 2 committed to propose positive practices that may be applied within the existing legal framework, together with the team of experts, for better securing, control, and liquidation of assets.

This activity has been fully achieved. Namely, a number of recommendations for improving the practices regarding the identification, securing, control, and liquidation of debtor's assets were proposed in the Pilot Program Standards Document (Activity 2.1.1). These relate mainly to improving access to information on assets and the development of systems for the exchange of data where the legal framework so permits, better documenting of the movable assets inventory, identification and use of storage, improvement of auctions, etc. The Diagnostic Assessment will include recommendations as to the necessary changes in legislation that would contribute to better securing and controlling assets.

### **Activity 2.4.3 – Start Designing a Pilot Program for Testing Improved Practices in Pilot Courts (Quarter 4)**

Implementation of this activity is planned for Quarter 4.

## **COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION**

### **Introduction**

During Quarter 3, JP Component 3 staff engaged and provided support to several international and national short-term experts and undertook preparatory steps for the engagement of the Judicial Statistics Expert. The Office Operations Assessment of the ODC (Activity 3.2.1) and the survey of judges' and prosecutors' perceptions on the fairness and impartiality of disciplinary proceedings (Activity 3.3.2) were finalized and recommendations and results were submitted to the HJPC. The development of the new ODC Communication Strategy (external and internal) was initiated and will be finalized in the beginning of the next quarter. Furthermore, the JP produced draft disciplinary sanctioning guidelines (Activity 3.2.2) and drafted recommendations on how to improve the implementation of judicial ethics standards (Activities 3.4.2 and 3.4.3). A Training Needs Assessment and program development relevant to increasing the effectiveness of judges and prosecutors in adjudicating and prosecuting cases of corruption was also finalized in this quarter (Activity 3.5.1).

The JP commenced the Diagnostic Study on Potential Sources of Corruption in the Justice Chain. On June 22, the legal experts' team submitted a list of relevant legislation and bylaws identifying the relevant institutional, legal, and organizational framework subject to the Diagnostic Study. The JP's COP and Senior Legal Expert presented the Diagnostic Study Framework to the HJPC at its session held on June 18 and received the full support of the HJPC for this activity.

### **Activity 3.1.1 – Review and Recommend Improvement of Judicial Statistics on Corruption Cases and Their Exchange with Law Enforcement Agencies (Quarters 2 and 3)**

In this quarter, the JP identified the Judicial Statistics Expert who will be engaged to implement this activity and held additional consultations with the HJPC to secure the success of the expert engagement. After a coordination meeting held with the HJPC Secretariat Director, it was agreed that the engagement of the expert will take place in the two first weeks of July. Following negotiations with several internationally regarded experts in this area, the JP, following the approval by USAID BiH, engaged an international Crime Statistics Expert with prior significant experience in the region, including BiH, on crime statistics issues. From July 6 to July 18 the expert will conduct a review of judicial statistics on corruption cases in BiH. The JP provided the expert with relevant documents for review and input from the HJPC, and organized a Skype® conference to discuss engagement details. This activity will be finalized in the beginning of Quarter 4 of Year 1.

### **Activity 3.1.2 – Develop Mechanisms of Cooperation between the Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (APIK) and Prosecutor Offices (Quarters 1, 2 and 3)**

As previously noted in this report, USAID signed a trilateral MOU with the HJPC and APIK for cooperation in combating corruption. Following the signing of this agreement, the JP and APIK promptly scheduled meetings with relevant POs. The JP has agreed with APIK to initiate working sessions with selected partner POs (Cantonal POs in Tuzla and Zenica and District POs in Dobojo and East Sarajevo) in the next quarter aimed at discussing potential cooperation mechanisms between APIK and the POs (Activity 3.1.2). Even though the JP already agreed with APIK that the latter will initiate a working session with these selected partner POs to discuss potential cooperation mechanisms between APIK and the POs, the POs are not yet that enthusiastic about working with APIK. This circumstance may require further discussions and negotiations to ensure that effective cooperation mechanisms are established. As a result, this activity is being carried over into Year 2. Based on findings from these sessions, as well as from the discussion paper prepared by Component 3 staff, the JP will recommend a mechanism of cooperation between APIK and the POs to be implemented in the next years of the Project.

### **Activity 3.1.3 – Conduct an Annual Conference on Anti-corruption (Quarter 4)**

This activity was planned to take place during Quarter 4 of Year 1. The JP has already started preparations for this event by coordinating activities with judicial sector actors and relevant experts. It has identified the September 24 and 25 as the only available dates when HJPC members can attend the conference, which will be organized as an interactive roundtable. The JP strongly believes that by this date it will be possible to have draft recommendations and findings of the Diagnostic Assessment (Activity 3.4.1) delivered to key justice stakeholders with enough lead time to enable extensive professional discussion on potential sources of corruption in the judiciary during the conference.

### **Activity 3.2.1 – Conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Quarter 1 – 3)**

In this quarter, the JP finalized the Office Operations Assessment of the ODC and submitted it to the ODC and the HJPC for review, discussion, and follow-up action. The JP reported in the Second Quarterly Report on some of the observations, draft findings, and recommendations of the assessment. The Office Operations Assessment provides 39 recommendations aimed at increased institutional capacity and empowerment of the ODC. The 39 recommendations cover the following nine areas:

1. Institutional empowerment of the ODC
2. Improvement of disciplinary policy within the ODC and the HJPC
3. Objectivity in disciplinary proceedings' decision-making
4. Proactive role of the ODC in preventing misconduct by judges and prosecutors
5. Improving the effectiveness of the ODC
6. Strategic planning
7. Monitoring and evaluation

8. Improved budgeting
9. Human resource management.

Prior to submitting this assessment to the HJPC, the JP provided extensive comments about its findings and held several rounds of consultations with the ODC to provide an opportunity for other comments and discussion on the preliminary findings. At the HJPC session held on July 8, its Legislative Committee prepared a discussion paper to be presented at the EU BiH Structured Dialogue on Justice in June on ways the ODC could be strengthened and disciplinary proceedings enhanced. The Legislative Committee noted that its recommendations took into account the JP's Office Operations Assessment. Many of the findings of the JP assessment were identified as a priority by the HJPC as well, including support for the idea of developing Sanctioning Guidelines for disciplinary procedures, all of which provide an opportunity for future cooperation between both the ODC and the HJPC and the Project.

### **Activity 3.2.2 – Develop Guidelines for Disciplinary Sanctions and Educate the ODC and Members of Disciplinary Committees on Disciplinary Sanction Guidelines (Quarters 2 and 3)**

In this reporting period, a short-term Judicial Discipline Expert conducted an engagement from May 18 to May 29 and delivered the draft of Disciplinary Sanctioning Guidelines and an outline for a Disciplinary Benchbook (see Activity 3.3.1). The development of the guidelines is based on the analysis of ODC and HJPC disciplinary case law, interviews with representatives of the ODC, the HJPC, and former members of the HJPC, as well as on decades of best practices in the US. All interviewees welcomed the idea of introducing some kind of “sanctioning guidelines” in order to improve the consistency and fairness in disciplinary sanctioning of judges and prosecutors and to increase the public integrity of the judiciary. The Draft Sanctioning Guidelines will be submitted to the HJPC and the ODC for further deliberations and discussions. This should be an interactive process so that adjustments and alternatives can be fully explored and a consensus reached on a final acceptable version. The expert also recommended a training program for new HJPC members on the disciplinary proceedings and use of future Sanctioning Guidelines.

Prior to the expert's arrival, the JP held preparatory meetings with the ODC and the HJPC. The JP and the ODC selected 16 ODC actions that would allow the expert to analyze various substantive and procedural aspects of the proceedings (actions against judges and prosecutors, settlements by agreement, first instance disciplinary committees, second instance disciplinary committees, HJPC decisions, dismissals, acquittals, various disciplinary sanctions, various violations of professional and ethical rules, etc.). Additionally, the HJPC Secretariat's Department for Appointments provided the JP with HJPC disciplinary committees' decisions, which were then provided to the expert along with additional reading materials collected by the JP.

### **Activity 3.3.1 – Study and Collect Decisions Made by the HJPC in Disciplinary Case Precedents for the Development of a Benchbook and Handbook (Quarters 2 – 4)**

In this reporting period, the Judicial Discipline Expert responsible for drafting the Disciplinary Sanctioning Guidelines also worked on the outline for a future Disciplinary Benchbook.

Because HJPC members serve four-year terms, there is frequent turnover in the Council's membership. A benchbook would serve as a valuable orientation tool for new members and a resource for all members of the HJPC and ODC. The expert found that for determining disciplinary

measures, it would be helpful for HJPC members to have prior cases organized both by sanction and by disciplinary offense. The expert drafted a "List of Article 58 Measures," annotated with reference to the decisions the expert reviewed. The expert provided an outline of "Disciplinary Offenses for Judges" and "Disciplinary Offenses for Prosecutors," each annotated with the cases she reviewed. The expert also attached "Disciplinary Case Decisions – Judges" and "Disciplinary Case Decisions – Prosecutors" which provide lists of cases with the type of information that it is helpful to track for a benchbook. While these outlines are limited to the cases reviewed by the expert, they provide an idea of formats that could be used in creating a benchbook.

The expert did not see the need for a benchbook for HJPC members and a separate handbook for ODC staff, so she recommended that a joint benchbook be created for HJPC members and the ODC. In the expert's opinion, the benchbook could be expanded in the future to provide a detailed explanation of the disciplinary process for use by both the HJPC and ODC, step-by-step from the moment a complaint is received, through formulating charges, etc. The rules and any applicable case law would be included for each phase of the disciplinary proceeding.

### **Activity 3.3.2 – Conduct a Survey of Judges and Prosecutors to Determine Their Perception of the Fairness and Impartiality of Disciplinary Action (Quarters 2 and 3)**

In this quarter, the Project designed the survey of judges and prosecutors on SurveyMonkey® and tested it successfully several times. On April 17, the ODC sent the survey out to all judges and prosecutors in the country with the aim of determining their perception on the fairness and impartiality of disciplinary proceedings. The survey questionnaire included questions related to institutional positioning and autonomy of the ODC, its competencies, transparency and accountability, and the work practice of the ODC and disciplinary committees, including disciplinary sanctioning. Judges and prosecutors were given 14 days to respond to the survey in order to secure as many answers as possible. The ODC and the JP received 474 responses (approximately 35%) from judges and prosecutors. The results of the survey analysis were incorporated into the findings and recommendations of the ODC Office Operations Assessment (under Activity 3.2.1); the entire survey results will be provided in an annex to the Operations Assessment.

The Chief Disciplinary Prosecutor emphasized on several occasions the importance of the survey conducted by the ODC with the support of the JP. It was perceived as a courageous move by the ODC to open up to the judicial community. The JP and the ODC agreed that the survey results will be shared with the entire judicial community in the next quarter in order to inform judges and prosecutors on the outcome, express gratitude for participation, and secure participation and success in future surveys.

### **Activity 3.4.1 – Conduct a Diagnostic Study to Determine the Sources of Corruption in the Justice Chain (Quarters 1 – 4)**

After a lengthy negotiation process on April 30, the JP concluded a subcontract with Transparency International and PRISM Research for the purpose of conducting a Diagnostic Study to determine the potential sources of corruption in the justice chain. By the end of May, the JP made a decision to terminate the contract with Transparency International due to a number of factors. The contract was then amended whereby PRISM Research was given the role of conducting a general and professional public survey, while the JP assumed the responsibility of directly contracting with several legal experts to conduct the Diagnostic Study. With regard to the Final Diagnostic Study

(the final deliverable), the senior legal expert will take the lead in drafting the final document to be completed with JP assistance. The JP will assume the overall lead and coordination of the process.

The new JP-led implementation framework resulted in the organization of an initial working meeting with the legal experts to clarify the SOW and to identify and discuss the first steps to be taken in conducting the Diagnostic Study. On June 18, the JP COP and the Senior Legal Expert presented the Diagnostic Study Framework to the members of the HJPC. On June 22, the legal experts' team submitted a list of relevant legislation and bylaws identifying the relevant institutional, legal, and organizational framework subject to the Diagnostic Study.

Furthermore, during the month of June, the Senior Legal Expert held a number of meetings with national judicial officials in order to introduce the purpose and scope of Diagnostic Study. Among others, the Senior Legal Expert met with the President, other members, and the Secretariat of the HJPC, presidents of courts, chief prosecutors, as well as with individual judges and prosecutors of all levels, and representatives of bar associations and other professional associations. These meetings, which were also attended by the JP COP, provided a valuable source of information for the expert team by identifying weaknesses in the procedures which may represent risks for corruption in the justice chain, and also pointed to specific problems in current practices which may be perceived as corrupt behaviors.

#### **Activity 3.4.2 – Review Ethics Codes for Judges and Prosecutors and Their Application and Recommend Necessary Revisions (Quarters 2 – 4)**

In this reporting period, the JP engaged a US Judicial Ethics Expert to review the ethics codes for judges and prosecutors and their implementation mechanisms, as well as to recommend necessary revisions to the codes and improvements in their application. The JP and the Judicial Ethics Expert held several consultative meetings with stakeholders including representatives of judicial associations, lawyers and NGOs, judges, prosecutors, and the HJPC Standing Committee on Ethics. The expert addressed a wide range of ethical code and disciplinary enforcement issues. The topics included ex-parte communication, mandatory reporting of ethics and disciplinary violations, the use of social media, and the need to enhance the public's perception of the integrity of the judicial process. Various hypothetical scenarios were discussed, particularly in the context of the current code mandates. The importance of continuing ethics training for judges and prosecutors was also discussed and considered as a key long-term goal.

The Ethics Committee — the most important forum in which to discuss and propose changes to the existing ethics framework — provided full support for the activities of the expert. After two weeks of in-country engagement, the JP organized a closing meeting with the HJPC Ethics Committee to discuss the expert's preliminary findings and recommendations. This discussion is expected to be included in the final report and recommendations. Once finalized and approved, the JP will submit the documents to the Ethics Committee for review and, eventually, adoption by the Ethics Committee. Ultimately, the adopted recommendations will be sent to the HJPC for final adoption that should result in necessary amendments to the Code of Ethics and their improved application.

As an additional activity, in the second week of April 2015, the JP participated in the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) training on Professional Judicial Ethics for around 30 judges and prosecutors who took part in this presentation and discussion of professional and ethical standards for judges and prosecutors in BiH and in the US.



### **Activity 3.4.3 – Review Existing Ethics Standards for Court and Prosecutor Office Personnel and Their Application and Recommend Improvements (Quarters 2 – 4)**

In this quarter, on April 17, the JP held a consultative meeting with the president of the BiH Association of Legal Associates to discuss the ethical standards applicable to judicial and prosecutorial professional legal associates and advisers as non-judicial staff.

This activity stands in close relation to the previous activity (3.4.2). The aforementioned Judicial Ethics Expert covered the implementation of this activity in part as well. Therefore, the JP organized a mini-roundtable discussion with non-judicial and non-prosecutorial staff from various judicial institutions (the Municipal Court of Sarajevo, the District PO of East Sarajevo, FPO FBiH, and the BiH Association of Legal Associates and Advisers) to discuss non-judicial staff ethics, formulate conclusions and recommendations as to how to better regulate this field, and improve adherence to ethical standards by all actors involved, including those of judges and prosecutors. The recommendations stemming from the roundtable are included in the Judicial Ethics Expert's final report and recommendations to be submitted to the HJPC in the next quarter.

### **Activity 3.4.4 – Develop a Public Communications Strategy and Communication Procedures for the ODC (Quarters 2 and 3)**

In this Quarter, the JP engaged a Public Communication Expert to help the ODC develop a public communication strategy, including internal and external communication procedures. On April 6, 2015, the JP and the expert met with the Chief Disciplinary Prosecutor to discuss the SOW and the implementation schedule. The expert assessed the implementation of the existing communication strategy, also applied by the ODC, and arrived at the conclusion that its implementation and application were weak and inadequate. A series of consultative meetings with ODC and HJPC representatives followed. The short-term expert prepared a draft strategy and action plan for review by the team. Due to the absence of required support by the ODC, the expert was not able to draft communication procedures. Instead, in consultations with the team (the COP and Component 3 staff), the expert prepared an analysis of the current status of the ODC's internal and external communications and a list of concrete measures that could be undertaken to achieve improvement. Both serve as a sound basis for outlining follow-up support to the ODC in the area of communication.

On the basis of these findings, the expert developed a draft ODC public communications strategy, as well as draft internal and external communication procedures, and discussed them with the ODC in a working session. The final documents will be submitted to the JP for review in the beginning of the next quarter. Subsequently, the JP will hand over the communication strategy and procedures to the ODC.

### **Activity 3.5.1 – Conduct a Training Needs Assessment and Develop a Long-Term Training Program (Quarters 1 – 3)**

As announced in the Second Quarterly Report, in this quarter, the JP Judicial Training Expert conducted and finalized his work with regard to 1) the training needs assessment and 2) the development of a training program, including training program evaluation tools.

The expert commenced his in-country engagement on Monday, March 30. On Wednesday, April 1, the JP and the HJPC SDC Project jointly sent out a questionnaire to all POs and selected courts in order to identify training needs. The JP received over 100 responses. Moreover, we contacted a

selected number of POs and courts and asked court presidents and chief prosecutors to identify judges and prosecutors respectively (interviewees) within their institutions to whom our expert could talk to in more detail about the specific needs necessary to investigate, prosecute, and adjudicate in cases of corruption and organized crime. Finally, the expert conducted interviews with 23 different stakeholders (judges, prosecutors, and HJPC members) throughout the country.

The expert submitted the final deliverables (a training needs assessment, a training program, and evaluation tools), including findings and recommendations, and addressed the JP's comments. The document was translated and discussed with the representatives of the HJPC SDC Project, focusing on how to move forward with the expert's assessment. It was agreed that the assessment and training proposal would be jointly submitted to the training centers by the JP and the SDC Project under the HJPC umbrella. However, as the assessment and training plan to be provided by the JP covers not only prosecutors but also judges, the JP will submit a separate a training proposal list to the training centers which will include all subjects identified by the JP expert.

### **Activity 3.5.2 – Initiate the Development of a Universal Benchbook to Train Judges and Prosecutors on the Elements of Corruption (Quarters 3 and 4)**

The previous activity (3.5.1) established the foundation for the development of a Universal Benchbook on the Elements of Corruption. This activity will be finalized in the next quarter.

## **OTHER**

On June 18, 2015, USAID BiH Mission Director David Barth, on behalf of the JP, signed a trilateral MOU with the HJPC and APIK on cooperation in combating corruption. The aim of the MOU is to strengthen the coordination of activities in the fight against corruption in BiH among key domestic institutions, namely the HJPC, APIK, and USAID BiH. The JP will provide assistance to these institutions, including POs, to improve their capacities to fight corruption and strengthen the integrity and mechanism of judicial self-accountability. The president of the HJPC pointed out that corruption is “a cancer to BiH society” and that the HJPC will lead the fight against corruption, calling for cooperation and coordination in the reform process. USAID Mission Director David Barth emphasized that corruption leads to increased extremism and ethno-nationalism and thus the fight against corruption is a question of national interest in BiH. Mr. Barth affirmed that the HJPC and APIK have the full support of USAID. The establishment of an efficient cooperation mechanism between the signatories represents a direct contribution to fulfilling BiH obligations from the Stabilization and



Figure 8. Signing of the MOU on cooperation in matters related to fight against corruption, Director Barth, President Tegeltija, and Director Lisak



Association Agreement and the BiH EU reform agenda. This MOU will facilitate the successful development of a mechanism of cooperation between the APIK and the POs in BiH.

## MONITORING AND EVALUATION

The new modified version of the JP Monitoring and Evaluation Plan has been developed. It contains 25 performance indicators. Five of these performance indicators are also USAID BiH indicators. Along with the development of JP M&E Plan, the new JP Logframe was developed that fits with the Mission Logframe. Targets for each year (2015–2019) were set up for each performance indicator and for categories of data disaggregation as required by USAID MEASURE BiH, wherever possible. Significantly, more comprehensive Performance Indicators Reference Sheets (PIRSs) were developed for each performance indicator containing more detailed information as required by USAID MEASURE BiH (e.g., using the Calculation Model).

In addition, the JP M&E Plan also contains two matrices for measuring development in the capacity of partner POs and Pilot Courts. The first, the Prosecutor Offices Capacity Matrix (POCM), is a protocol that measures the capacity improvements of POs through time in five elements. These elements are:

1. Organizational leadership, planning, and performance in the PO strengthened
2. The PO performs functions more efficiently through balanced allocation of resources
3. Prosecutors in the PO uphold public trust and integrity through the prosecution of corruption or other serious crime
4. Prosecutors in the PO provide appropriate and accurate information to citizens in order to strengthen transparency and responsiveness
5. The PO improved the status of prosecutors through performance appraisal, merit-based career advancement, or incentives to prosecute cases.

The maximum grade level according to the POCM is 25. The POCM has been developed to provide a realistic, objective evaluation of the improvements of POs in Bosnia and Herzegovina (BiH) throughout the life of the Project.

The second matrix is the Courts Enforcement Efficiency Capacity Matrix (CEEEM). It measures capacity improvements in courts through time in four elements. These elements are:

1. Streamlined procedures are implemented for enforcing judgments and reducing backlog
2. The capacities of court's enforcement agents are improved through training, staffing, evaluation, oversight, and management
3. The court's participation in creating a framework for licensing, monitoring and control, and assignment of alternative enforcement agents
4. The court is equipped with a system and the means to secure and control assets.

The grade level for each element is 0–5 pts, and the maximum grade level on CEECM is 20 pts.

As part of Baseline survey, the JP together with the ODC conducted a revealing survey on the perception of judges and prosecutors in BiH of the fairness and impartiality of disciplinary proceedings. Results indicate that 38.5% of judges and prosecutors strongly agree that disciplinary proceedings are fair and impartial, while 53.4% partially agree with this statement. Only 8.1% of judges and prosecutors in BiH strongly disagree with this statement. These data are also baseline data for the JP M&E Plan Performance Indicator 3.3.2, percentage of judges and prosecutors who strongly agree with statement that the disciplinary process is fair and impartial.

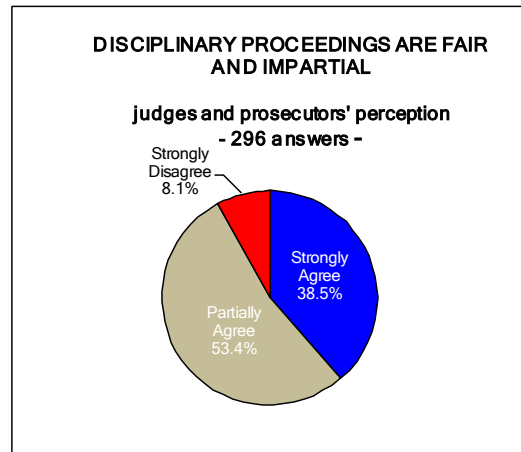


Figure 9. Results of the survey of judges' and prosecutors' perception of the fairness and impartiality of the disciplinary process

## **SECTION II – REPORTS AND DELIVERABLES**

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### **COMPONENT 1: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS**

- Prosecutor Office Assistance Plan (POAP) for the Cantonal Prosecutor's Office in Tuzla – May 7, 2015
- POAP for the Cantonal Prosecutor's Office in Zenica – May 7, 2015
- POAP for the District Prosecutor's Office in East Sarajevo – May 7, 2015
- POAP for the District Prosecutor's Office in Doboj – May 7, 2015
- List of Training and Education Needs for Spokespersons and Public Relations offices in POs – April 29, 2015
- Draft Framework and Methodology of the Analysis on the Use of Time and Resources of POs Spent on Working Outside of the PO Seats – April 1, 2015
- Prosecution Criminal Investigation Expert's report on the Assessments of Management, Organizational and Investigative Capacity to Effectively Prosecute Criminal Cases of Corruption and Economic Crime in POs in East Sarajevo and Tuzla – May 12, 2015
- Expert's report on the Dissemination of Information and Media Relations, containing recommendations from the training held with PO spokespersons and Public Relations Officers on June 9, 2015

### **COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS**

- Expert field work on Diagnostic Assessment completed – June 2015 (Final version expected by mid-July 2015)
- Analyses of FBiH and RS Statutory Framework for the identification, securing, control, and liquidation of assets, created by Component 2, forwarded to DAET to be included in the Diagnostic Assessment and the June 2015 Pilot Court Program and Standards (relevant for Activities 2.2 and 2.4.3, the capacity of court enforcement agents to enforce judgments through training, staffing procedures, evaluation, oversight and management) – June 2015
- BiH Training Resource Manuals completed by DAET (relevant for the Diagnostic Assessment) – June 2015

### **COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION**

- ODC Office Operations Assessment (Activity 3.2.1) – June 2015
- Guidelines for Disciplinary Sanctions (Activity 3.2.2) – June 2015

- Disciplinary Proceedings Benchbook content outline (Activity 3.3.1) – June 2015
- Survey of judges and prosecutors on the perception on the fairness and impartiality of disciplinary proceedings (Activity, 3.2.2) – April 2015
- Recommendations on necessary revisions to judicial Codes of Ethics and their implementation (Activities 3.4.2 and 3.4.3) – May 2015
- Training Needs Assessment, Training Program and Training Evaluation Tools (Activity 3.5.1) – June 2015

Note: All materials are available in the USAID JP office.

## **SECTION III – MAJOR ACTIVITIES PLANNED FOR THE NEXT QUARTER**

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### **COMPONENT I: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS**

1. Implementation of POAP activities in the area of supporting the work of line prosecutors on cases of corruption and economic crime, strengthening the management practices within the POs, and enhancing transparency and public relations of the POs (Activity I.1.6).
2. The Project experts for criminal and financial investigations will complete the assessment of POs' management, organizational, and investigative capacity to work on cases of corruption and economic crime in the partner POs in Zenica and Dobož (Activity I.1.6).
3. Outreach activities will be completed by visiting the Cantonal POs in Orašje, Livno, and Gorazde, the District PO in Bijeljina, and the PO of the Brčko District of BiH (Activity I.1.7).
4. Component I will complete the review of the workflow in partner POs including an examination of the functionality of the prosecutor case management system, TCMS (Activity I.2.1).
5. Project assistance will continue in developing the POs' budgets. This will include preparing the budget, providing justification and rationale, and communicating resource needs effectively. Budget proposals will be based on identified specific needs of the POs (Activity I.2.2).
6. The National PGI Expert will develop a strategy paper for engaging law enforcement in forming joint prosecutor-police investigation teams for economic crime and corruption cases, and will also work on developing investigation and financial investigation plans to be delivered to partner POs during consultations in September 2015 (Activities I.3.1 and I.3.2).
7. In September 2015, the International PGI Expert will deliver training to chief prosecutors, line prosecutors, and expert associates in the partner POs on presenting criminal cases in court that will enhance the POs' capacity to manage cases and trials in economic crime and corruption (Activity I.3.1).
8. The JP will work with partner POs to monitor the types and number of office responses to freedom of information requests and public outreach activities. Development of M&E indicators will be coordinated with SDC Project. A process for developing procedures on disseminating information about PO activities on investigating and prosecuting cases of economic crime and corruption will also be outlined (Activities I.4.3 and I.4.4).
9. An expert will be engaged to conduct an analysis of practices and criteria for evaluating prosecutors' work on complex cases in the partner POs, including the HJPC's procedures and practices for the quantitative and qualitative evaluation of prosecutors that reflect a link between evaluation criteria and office performance standards for prosecutors (Activities I.5.1 and I.5.2).

10. With assistance from Lucid Linx, research into comparative legal systems in Europe and their standards and procedures for merit-based appointment and career advancement will be conducted (Activity 1.5.2).
11. The venue of the Anti-Corruption Conference (Activity 3.1.3) will also be used to present the results of Component 1 in the first Project year, discuss findings and recommendations of the assessments conducted under Activities 1.2.1, 1.2.2, 1.5.1, and 1.5.2 that will be aimed to strengthen PO strategic/fiscal planning, office performance, and operational practices, and gather ideas to improve the performance appraisal system for prosecutors.

## **COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS**

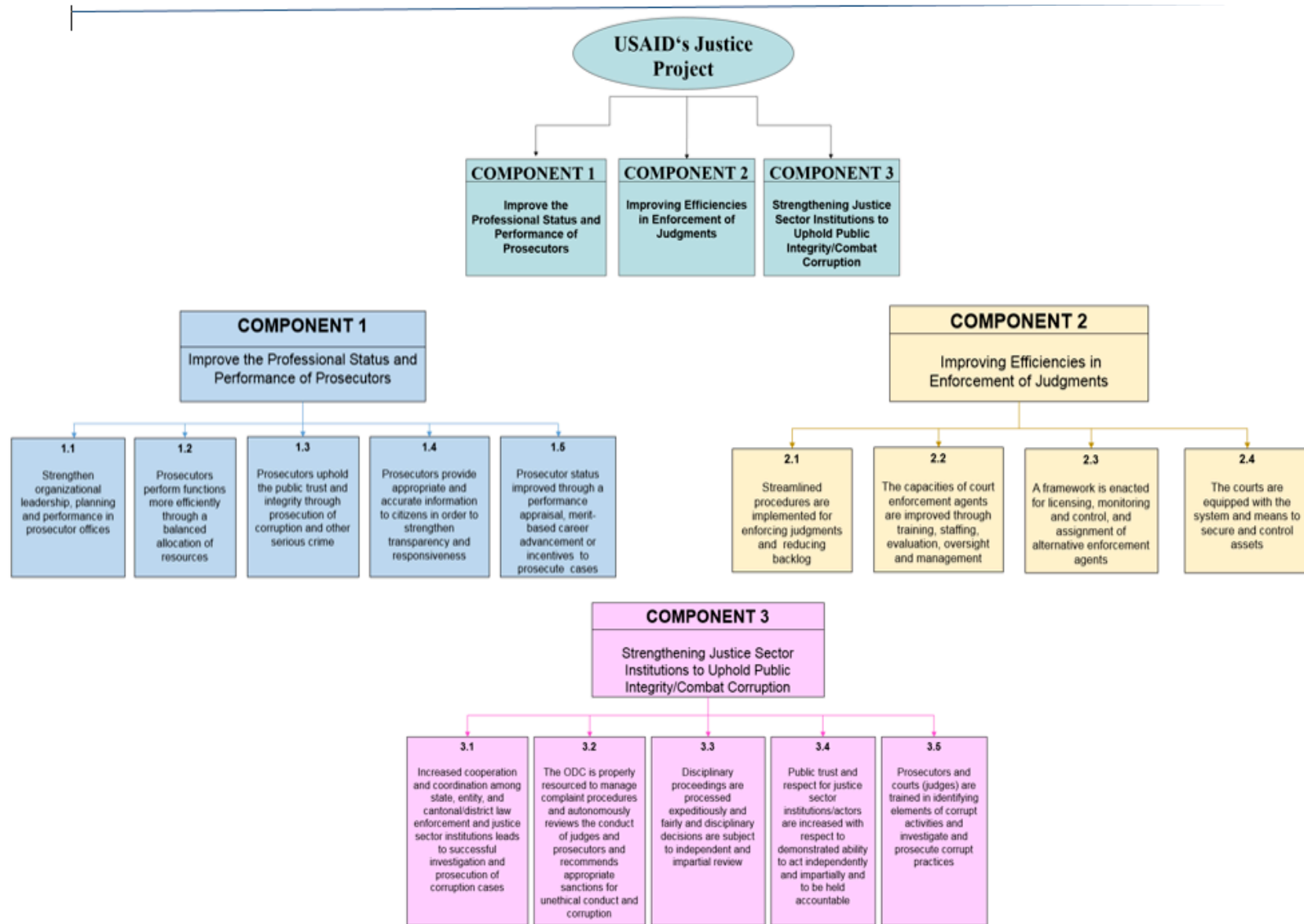
1. The Diagnostic Assessment will be finalized and distributed to our counterparts in preparation for work on further policy proposals and conference (Activities 2.1.1 and 2.1.2).
2. Preparations will begin for the conference dedicated to improvements in enforcement procedure and to maintaining contacts with the stakeholders aimed to build up a consensus necessary for the reforms in the area of enforcement based on Diagnostic Study's recommendations (Activity 2.1.2).
3. The Advisory Group for Policy (AGP) will be formed and supported to create policy proposals for legislative reforms for enforcement, including discussion on legislative framework for licensing body (Activities 2.1.3, 2.1.4, 2.3.1, and 2.3.2).
4. A list of candidate pilot courts will be created, and the Project will start discussing and subsequently designing individual pilot court programs. Discussion of specific training topics for development of multi-year training program will begin (Activities 2.2.2, 2.2.3, and 2.4.3).

## **COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION**

1. In July 2015, the JP will engage an international Judicial Statistics Expert to review and recommend improvements to the method of collection of judicial statistics on corruption cases and their exchange with LEAs (Activity 3.1.1).
2. The JP (Component 3 in cooperation with Component 1) will organize a working session between APIK and selected partner POs (the Cantonal POs in Tuzla and Zenica and the District POs in Doboje and East Sarajevo) aimed at discussing and developing a model cooperation mechanism between these institutions (Activity 3.1.2).
3. In September 2015, the JP will organize a working Conference on Anti-corruption, including discussions on potential sources of corruption in the justice chain and discussions centered on other relevant JP findings and recommendations (Activity 3.1.3).
4. The JP will conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Activity 3.2.1).

5. Activity 3.3.2 has been accomplished, but the JP will present the findings and recommendations of the ODC Office Operations Assessment and survey results to the HJPC on its first session after the summer holidays (end of August 2015).
6. The JP will submit draft sanctioning guidelines to HJPC. The JP might be invited to present the guidelines to the members of the ODC and HJPC. The JP will facilitate applications by the HJPC and the ODC for membership in the NCSC Center for Judicial Ethics (Activity 3.2.2).
7. The JP expert will finalize the ODC public communications strategy and communication procedures and hand it over to the ODC for adoption and implementation (Activity 3.4.4).
8. The JP's experts and subcontractor will finalize work on the Diagnostic Study on sources of corruption in the justice chain (Activity 3.4.1).
9. The training needs assessment, training program and training program evaluation tools will be submitted to HJPC and JPTCs (Activity 3.5.1).
10. The JP will finalize its activities in initiating the development of a universal benchbook on the elements of corruption (Activity 3.5.2).

## ANNEX A: PROJECT COMPONENTS OVERVIEW DIAGRAM





## ANNEX B: LIST OF EXPERTS

COMPONENT 1	
1	Richard Gebelein, Training Needs Assessment and Development Expert for C3 (provided assistance to Component 1 with initial implementation of PPP/POAP) – Activity 1.1.6
2	Patricia Whalen, (International) Expert for Presentation of Prosecution Case – Activities 1.1.6 and 1.3.1
3	Davor Knežević, (National) Prosecution Criminal Investigation Expert – Activities 1.1.6, 1.2, 1.3, 1.4 and 1.5
4	Hrvoje Šapina, (National) Prosecution Forensic Investigation (Financial) Expert – Activities 1.1.6, 1.2, 1.3, 1.4 and 1.5
5	Hajrija Sijrečić Čolić, (National) Expert for Prosecutor Guided Investigations– Activities 1.1.6, 1.3.1 and 1.3.2
6	Slobodan Šašić, (International) Expert for Prosecutor Guided Investigations – Activities 1.1.6 and 1.3.1
7	Tonči Petković, (International) Expert for Prosecutor Guided Investigations – Activities 1.1.6 and 1.3.1
8	Florin Bogdan Munteanu, (International) Expert for Prosecutor Guided Investigations – Activities 1.1.6 and 1.3.1
9	Boro Kontić, (National) Public Information Expert, Disseminating Information between Prosecutor Offices and Media – Activities 1.1.6 and 1.4.2
10	Dimitrije Šujeranović, (International) Expert for Workflow Business Process Engineering – Activity 1.2.1

COMPONENT 2	
1	Jos Uitdehaag, International Expert, Policy, Team Leader
2	Viloaine Autheman, International Expert, Court Operations
3	Simone Ginzburg, International Expert, Coordination
4	Mirela Omanović, Local Expert, Policy
5	Kenan Ademović, Local Expert, Court Operations

COMPONENT 3	
1	Victoria Henley, Professional Disciplinary Process Expert – Activities 3.2.2 and 3.3.1
2	Dženana Alađuz, National Expert, Public Communications– Activity 3.4.4
3	Robert Cummins, Judicial Ethics Expert – Activities 3.4.2 and 3.4.3

COMPONENT 3	
4	Richard Gebelein, Training Needs Assessment Expert – Activity 3.5.I
5	Paul Smith, Judicial Statistics Expert – Activity 3.I.I
6	Diagnostic Study Legal Experts, fixed term (National Experts) – Activity 3.4.I <ul style="list-style-type: none"><li>• Zoran Pajić</li><li>• Nermin Mulalić</li><li>• Amra Mehmedić</li><li>• Nataša Vuković</li><li>• Daniela Ritan</li><li>• Nermin Kadribašić</li></ul>

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